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COMMITTEE ON THE RIGHTS OF THE CHILD

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OF THE 123rd MEETING

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on Tuesday, 25 January 1994, at 10 a.m.

Chairperson: Mrs. BADRAN

CONTENTS

Cooperation with other United Nations bodies and specialized agencies

Follow-up on the general discussion on "Protection of the child against economic exploitation"

* The summary record of the second part (closed) of the meeting appears as document CRC/C/SR.123/Add.1.

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The meeting was called to order at 10.25 a.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES AND SPECIALIZED AGENCIES (agenda item 9)

1. The CHAIRPERSON welcomed the members of the delegation of the International Criminal Police Organization (INTERPOL) and invited them to address the Committee on the Rights of the Child.

2. Ms. MANKE (International Criminal Police Organization) said that INTERPOL welcomed the opportunity to outline its proposals concerning the development of its work on offences against children. The adoption of the Convention on the Rights of the Child had been followed in 1989 by the adoption by the INTERPOL General Assembly of a resolution stating, inter alia, that the General Secretariat, in close collaboration with the appropriate United Nations bodies, should carry out a study with a view to proposing measures to improve international cooperation on offences against minors. Since very little information about such offences was available, the General Secretariat had decided to send a questionnaire to the members of INTERPOL to learn about their views and needs in the matter. The 53 replies from countries had been submitted in 1991 to a group of experts which had recommended a number of areas for broader discussion at the first International Symposium on Offences Against Children and Young Persons in April 1992.

3. The Symposium's conclusions were contained in Appendix 2 of INTERPOL document AGN/61/RAP.No.16. There were three general recommendations: that in all police action concerning children, the best interests of the child should be a primary consideration; that the approach to combating offences against children should be victim-oriented; and that all police initiatives in connection with offences against children should aim at multidisciplinary cooperation. Recommendations had also been made on general and preventive measures, in particular with regard to cooperation in statistical matters with the United Nations, prevention, training and assistance to victims. The symposium had also made a number of recommendations on law enforcement measures. The recommendations had been approved by the INTERPOL General Assembly in 1992, and a Standing Working Party on Offences against Minors had been established to propose solutions to the problems identified by the experts. The Standing Working Party had held its first meeting in April 1993 and was now considering ways of putting the recommendations into practice. It was focusing in particular on child pornography, sex tourism, and statistics, as well as on the question of establishing permanent machinery for cooperation with the United Nations. The Committee on the Rights of the Child was clearly the most appropriate United Nations body for INTERPOL to address concerning such cooperation.

4. The question of training came up repeatedly in United Nations documents and debates and was also stressed by many non-governmental organizations (NGOs). Training therefore appeared to be an appropriate issue to bring to the Committee; moreover, it could have both an immediate impact on the treatment of children and a long-term impact on the work of police officers and their awareness of the rights of the child.

5. Ms. OLSEN (International Criminal Police Organization) said that she was Chairperson of the Standing Working Party on Offences Against Minors, which had devoted considerable attention to the question of training. The training of police officers with respect to offences against minors varied greatly in the world's different police forces. There was no tradition for police officers to be trained in such matters; the practice was to concentrate on criminals rather than on their victims. But the Committee on the Rights of the Child and the Standing Working Party were concerned with children as the victims of crime. The fact that for the first time in its history INTERPOL had put children's issues on its agenda was an important development.

6. In most societies there was a resistance, shared by the police, to acknowledging offences against children, no doubt because such offences were so horrible. The easiest course for police forces was to close their eyes to the problem. However, there was increasing awareness in the international police world of the need to concentrate on children. The Standing Working Party was a symbol of that awareness. It was not an easy task to persuade police forces to give more priority to children as the victims of crime. INTERPOL was seeking the Committee's assistance in training police officers to investigate offences against children and in so doing to respect the human rights of children. To that end, INTERPOL invited the Committee to send a representative to the meeting of the Standing Working Party in April 1994 at which training would be a main agenda item.

7. Ms. MANKE (International Criminal Police Organization) said that the plan of action for the training of law enforcement personnel proposed by INTERPOL, which had been circulated to the members of the Committee, contained three main steps: the appointment of training coordinators by the Centre for Human Rights and by INTERPOL; the convening of a preparatory seminar with a view to the establishment of model training programmes; and the implementation of the training programmes themselves. The programme was designed to be flexible and would need to be discussed. INTERPOL would like to have the Committee's expert input, and if possible some financial assistance in establishing and carrying out the training programmes. The Centre's advisory services programme might be very helpful in that regard.

8. The CHAIRPERSON said that the Committee was gratified to see that INTERPOL had put children on its agenda and was taking a victim-oriented approach. She invited the members of the Committee to comment on the matters raised by the INTERPOL delegation.

9. Mrs. SANTOS PAIS said that she was glad that the cooperation between the Committee and INTERPOL was continuing. The Committee had borne the concerns stated by INTERPOL in mind during its discussion of the protection of the child against economic exploitation at its fourth session. The Committee had recommended, inter alia, that INTERPOL should give attention to new initiatives to combat corruption among law enforcement officials. Furthermore, in its concluding observations on the reports of State parties the Committee often referred to the need to train professional groups, including law enforcement officers, in issues of children's rights.

10. It was very important for children to be regarded as the victims of crime and for an effort to be made to prevent crimes against children. At the national level, children's liaison officers should be appointed to deal with children's issues and encourage Governments to ensure that the best interests of the child were taken into account in legislation and in the efforts to combat crimes against children, during police investigations in particular.

11. The World Conference on Human Rights had stressed the need for programmes of technical assistance for the training of law enforcement personnel - a matter to which the Centre for Human Rights programme of advisory services should give priority attention. Assistance should also be given to training programmes for national security forces. With regard to cooperation with INTERPOL, the Committee saw itself as a focal point with a catalytic and coordinating role in all activities designed to benefit children. The cooperation effort must of course involve other United Nations bodies, in particular the Crime Prevention and Criminal Justice Branch in Vienna. The aim must be to give a new impetus to the work in the field.

12. The main reason for the reluctance to publicize offences against minors was the lack of information and education about the importance of children and about their rights. There should therefore be cooperation in the development of awareness campaigns. The Committee also had expertise in training and education programmes on children's rights, and the Centre for Human Rights could make a useful input through its advisory services programme. Of course, the Committee had expertise which could be used in the many countries facing a major challenge in the administration of justice. The present meeting was just a starting point, and it was important to establish when, how and to what purpose the Committee should intervene. The INTERPOL national liaison arrangements would be able to help the Committee to convey the message of its aims and work to population groups which it could not reach at present.

13. Mrs. BELEMBAOGO said that in their collaborative activities the Committee and INTERPOL should give priority to the problems of child pornography and the sexual exploitation of children in general. Although the problem was usually viewed as connected mainly with tourism it was increasing in the family environment, and it was not always easy to bring cases before the courts. The Committee and INTERPOL should try to devise a strategy for tackling the problem through the proposed training programmes. In addition to new recruits, serving law enforcement officials also needed training to improve their behaviour and attitude when dealing with minors. An effort must be made in conjunction with Governments to secure fundamental changes.

14. In order to prevent offences against minors it was important to take associated measures to ensure that the laws protecting children were applied in practice, especially with regard to sexual relations between adults and children in prisons and detention centres. It was not sufficient to have a relevant law, for Governments were not always able to establish separate detention centres for children. In some countries re-education centres for children were run by the Ministry of Justice instead of by the bodies responsible for such matters as the protection of children and social affairs. Sexual abuse of children was often committed by officials in detention centres, which could become schools for criminals. The exchange of information would be an important part of the collaboration between the

Committee and INTERPOL. The Committee could provide information obtained from the periodic country reports and from its follow-up action with NGOs. In turn, INTERPOL could provide the Committee with information relevant to the protection of children, in particular concrete examples which the Committee could cite in its discussions with country delegations.

15. Mr. HAMMARBERG expressed appreciation of the INTERPOL initiative particularly since the Committee had reached the stage where it needed broader and better cooperation in order to achieve its goal of improving the situation of children. One of the major problems identified by the Committee was not the relevant legislation itself, which in most countries seemed adequate, but its proper implementation. As law enforcement officers, the police was one of the key professional groups in protecting the rights of children. Unfortunately there seemed to be a divide between the work of the police and that of social workers. He suggested that cooperation between them should be strengthened in order to counter the widely held view that the police was a tool of repression. The police needed to project an image of itself which offered protection and assistance.

16. Another problem in many countries was that the police force was regarded as being corrupt. That was particularly hard on the poor who had little confidence that justice would be done. It also created an atmosphere which was not conducive to the protection of the rights of children.

17. Greater emphasis should be laid on the social and psychological aspects of police training so as to avoid the type of problems encountered with refugee children, who for instance felt threatened by the police officers in uniform who conducted interviews for asylum applications in the host country. The police should also recruit more staff with training in child psychology. However such activities should not be confined to police academies. Refresher courses were also required for those already in the profession and greater awareness should be created among the leadership so as to ensure that they would take a stance on the issue. Even in the developed countries the police had the image of being a rather tough group of people that would not be sensitive to such concerns. A change in attitude would therefore be no easy task.

18. The police also needed to be alerted to the effects on young children of organized crime such as prostitution and drug trafficking. Cooperation between the Committee and INTERPOL was required in all those areas. He therefore welcomed the type of cooperation outlined by INTERPOL but considered that an additional step should be inserted after the proposed first phase: a smaller meeting in which all the actors including UNICEF and non-governmental organizations should participate to elaborate the details of the campaign. In conclusion, he said that an effort should be made to enhance the image and attitudes of the police force, stressing that in order to achieve such results any training must be dispensed by a police officer and not by an outsider.

19. Mrs. SARDENBERG welcomed the opportunity to meet the representatives of INTERPOL, endorsing the ideas they had put forward and above all their victim-oriented approach to children. She inquired how many of the member States of INTERPOL were also signatories to the Convention.

20. Referring to the conclusions and recommendations of the first symposium, she noted that while there were references to the best interests of the child and the principle of survival, there was no mention of the principles of non-discrimination and the right of the child to express its views. Since those were two vital aspects of the general principles which had a bearing on all the articles of the Convention, she suggested that they should be taken into account in the proposed plan of action for the training of law enforcement personnel. It was essential that all children, including refugees and the disabled, should be accorded equal treatment by the police. Moreover, the right of children to express their views was crucial at all stages of police investigations and inquiries.

21. She welcomed the emphasis laid by INTERPOL on preventive measures, a multidisciplinary approach and the collection and use of information. Efforts were currently being made in her own country, Brazil, to compile more reliable information on child-victims.

22. One area in which cooperation was also vital was how to deal with the problem of missing children, which was often closely linked with the sale of organs. Given the transnational implications of the phenomenon, INTERPOL certainly had a key role to play. Lastly, INTERPOL could provide useful input to the Committee on specific problems as well as to States parties, on areas within its sphere of competence. Particular concerns voiced by INTERPOL on children's matters might also be mentioned by the Committee when considering States parties' reports.

23. Miss MASON, after endorsing Mr. Hammarberg's remarks, said that her comments were based on her own experience as a judge in juvenile courts. She encouraged INTERPOL to continue seeking practical solutions that would be in keeping with the type of work carried out by the police. As far as training and staff were concerned, she stressed the fact that personnel recruited to work with children must have special skills and qualities. Before selection their psychological and social background must be carefully considered. In that connection, perhaps INTERPOL might recommend to its members the establishment of bodies along the lines of the juvenile liaison department set up in her own country which was staffed with specially trained police officers to deal with children. In general, the training of police officers must be an ongoing process and refresher courses should be organized on a regular basis to cover, inter alia, any amendments to legislation. More importantly, those responsible for training must have had practical and recent experience of police work; for all too often the theory taught in police academies was very far removed from the reality of police officers' work. Through the Convention greater awareness had been created concerning the rights of the child, but from the reports submitted by States Parties it was clear that there was a long way to go before children's views and interests would be fully taken into account. She hoped that by focusing on the more practical aspects the police would help to redress that situation.

24. Mr. KOLOSOV said that in Russia and the republics of the former Soviet Union, police stations in all large cities used to have a special children's office which was generally staffed by women with training in child psychology and education. Regrettably, neither the public nor young offenders themselves looked to the office for protection; on the contrary, a visit to

the office was something to be ashamed of. He therefore welcomed the new INTERPOL approach in which children were treated as victims rather than criminals.

25. INTERPOL could also play a vital role in bringing an end to the traffic of children for child prostitution by establishing regional or subregional cooperation mechanisms in the areas or countries such as Thailand where the phenomenon was widespread.

26. As to the proposed training programme he stressed that every article of the Convention should be dealt with, since they were all relevant to police work. He looked forward to broader and ongoing cooperation with INTERPOL which he hoped would not be confined to the present campaign. For instance, background information on the criminal situation in the different States parties would be particularly useful when the Committee considered their reports. Such information could subsequently be updated by INTERPOL when States parties submitted their periodic reports.

27. Mrs. EUFEMIO, referring to the INTERPOL conclusions and recommendations, said that the first step in alerting police officers to children's problems was to educate them on any relevant cultural differences. Furthermore, she hoped that INTERPOL would continue its search for an appropriate strategy to create awareness among police officers after the training campaign was launched and its initial results assessed. She also wondered whether the possibility of cooperation with representatives of other relevant professions such as the judiciary, social services and hospitals might be envisaged.

28. Regrettably there was a tendency among police officers to identify with the parents instead of children and so she suggested that that matter should be covered by INTERPOL in the training programme. She also wondered whether as part of their training police officers might be taught how to collect information as a basis for future research, stressing the need for ongoing research and up-to-date information on children's problems.

29. Mr. MOMBESHORA said that the role of the police should never be underestimated. He expressed regret that, due to political difficulties, INTERPOL had thus far not been very active in his region and welcomed steps to establish a regional office in the near future.

30. INTERPOL could make a valuable contribution by improving international and regional cooperation since greater availability and exchange of information would help to combat crime. As to the question of training, people's attitudes often affected the way in which the police discharged their duties. For instance, in his country the police were regarded by children very much as the enemy and so appropriate training should be given and information provided to make it clear that the police could be relied upon for assistance. A further matter of concern was the disregard for ethics, with members of the police frequently becoming involved in criminal activities or violating the rights of children. Moreover, it was essential for police officers to be well informed about the culture and the traditions of the place where they worked in order to win the local population's confidence. He suggested that those two aspects should be taken up as part of the training

programme. Moreover, efforts should be focused mainly on regional activities in order to obtain successful results. In conclusion, he said he looked forward to improving cooperation with INTERPOL in future.

31. Mr. HAMMARBERG recalled a conversation he had had with the head of the Stockholm Police Academy, where the first half of the students' last year was spent on work experience in police stations. At the Academy they had learnt the proper procedures in relation to such matters as international law and the treatment of women, but on their return for the end of their course their attitudes had completely changed: they had imbibed the cynicism of the older police officers and would have no truck with the liberal attitudes they had been taught, in the belief that they had come to grips with the "real world". The head of the Academy had been at a loss to know how to deal with such changed attitudes; he thought that recruiting more women might help, but that would take time. It would be helpful if regular meetings could be arranged with those responsible for training police officers.

32. The CHAIRPERSON said that there was indeed a gap between theory and practice, observable not only among the police but also in other areas. She added that senior officers needed training, too, though it might be preferable to call such training "workshops" or "seminars".

33. Ms. MANKE (International Criminal Police Organization) said that training had been selected as an appropriate subject for the next meeting of the INTERPOL Standing Working Party, since there already existed an infrastructure on which to build. Commenting on various points that had been raised, she pointed out that the basis for INTERPOL networking was already in place, in the form of the National Central Bureaus, a system whereby each country appointed one central police force which was responsible for international police cooperation. A new element was the recommendation for a network of specialist liaison officers dealing with children; around 40 countries had responded positively to that suggestion. Direct cooperation between INTERPOL and the Committee would, she thought, be harder, because most cases relating to children were reported at national rather than international level. In reply to Mrs. Sardenberg's question, she confirmed that States parties to INTERPOL were the same as those who had signed the Convention. With regard to missing children, she pointed out that INTERPOL "recommended that all international cases of missing children and all cases of children missing for more than six months should be reported to the General Secretariat and that they should be the subject of international missing person notices". It was an important issue, which the Standing Working Party would shortly tackle in greater detail. She also drew attention to the recommendation that "police officers exclusively or mainly investigating offences against children should receive both special and further training". She further agreed on the importance of setting up special juvenile departments and welcomed the idea of arranging regular meetings between those responsible for training law-enforcement personnel.

34. Miss OLSEN (International Criminal Police Organization) praised the Committee for having gone to the heart of the matter. It had appreciated the essence of policing: the police had the potential to be a force for good, if organized in accordance with democratic principles, or it could misuse its

power; both kinds existed. The Committee's views corresponded exactly with INTERPOL's: policing should be encouraged to move in the right direction, to develop constructively. At the same time it was important to face up to the existing corruption and to talk about it, changing attitudes and instilling a new culture. What was involved was not a campaign, but a process. The next meeting of the Standing Working Party would contribute to that process, by considering the various aspects of training, such as basic training, advanced training, specialist units, multi-disciplinary training, police work with experts, how to work with children in court, how to interview children and many other topics relating to children. It was hoped to distil the results of the meeting into model training programmes. She expressed optimism over the future of cooperation between INTERPOL and the Committee: both had a desire to achieve changes and obtain practical results, in the spirit of the Convention. In INTERPOL the Committee had a vehicle for its aims of improving the lot of children.

35. The CHAIRPERSON remarked that an important aspect of INTERPOL's role was protection and prevention; it was not enough for it to be called in only after the event. She therefore considered that it would be useful if INTERPOL and the Committee could pool information on which children belonged to the groups most at risk.

36. Ms. MANKE (International Criminal Police Organization) said, with reference to Miss Mason's earlier remarks about the possibility of appointing special officers responsible for children, that the idea was a good one, but should be embarked on at a later stage. INTERPOL could not influence member countries directly and could not dictate who should or should not be recruited.

37. Mrs. SANTOS PAIS said that the Committee could greatly benefit from INTERPOL's access to national structures and the Committee could help INTERPOL by highlighting where problems might exist. She therefore suggested that the Committee should send INTERPOL its comments and concluding observations on country reports, alerting it to actual and potential problems and trends in various countries, always keeping the Convention - with its recognition of the child as a person - as a framework for INTERPOL's work.

38. Mr. MOMBESHORA asked what course of action INTERPOL took if a member country did not cooperate with a given operation undertaken by INTERPOL.

39. Ms. MANKE (International Criminal Police Organization) replied that INTERPOL could only make recommendations and attempt to exert influence at meetings. The establishment of the specialist liaison officer network had been partly prompted by the need to deal with such problems.

40. The CHAIRPERSON invited the representatives of NGOs to take the floor, if they so wished.

41. Ms. CRAWFORD (One World Productions) asked whether children themselves were being consulted, in the light of their own experiences, on the form and content of police training.

42. Ms. OLSEN (International Criminal Police Organization) said that there were plans for Norwegian children to be involved in the next meeting of the Standing Working Party, which was to be held in Oslo. INTERPOL had already discussed ways and means of getting the voice of children heard.

43. Mr. KOOIJMANS (United Nations Centre for Human Rights) said that as the representative of the Centre's Advisory Services and Technical Assistance Branch, he would like to outline the work done by the Centre in the areas under discussion. In the past it had held courses on the administration of justice for police officers, but by trial and error it had eventually evolved the system which suited its limited resources best: it trained the trainers, who then transmitted their knowledge in their own countries. As for children's rights, he said that some 20 per cent of each course was devoted to that topic, particularly as it affected juvenile offenders. Most of those attending were prison officials, police officers and military officers and the courses dealt mainly with non-custodial measures, although the aim was always to set such courses in the context of the Centre's country programmes. Courses had been held several times in Albania and Romania, a course was shortly to be held in Malawi and another perhaps in the Russian Federation. He believed that the Centre could learn a great deal from INTERPOL and hoped that his own department, along with others from the Centre, could participate in future meetings on the subject of children.

44. Mrs. KLEIN-BIDMON (United Nations Centre for Human Rights) said that the next topic for joint discussions should be how to organize courses on law enforcement and where they should most effectively be held.

The meeting was suspended at noon and resumed at 12.20 p.m.

FOLLOW-UP ON THE GENERAL DISCUSSION ON "PROTECTION OF THE CHILD AGAINST ECONOMIC EXPLOITATION" (agenda item 8) (continued)

45. The CHAIRPERSON invited the Committee to consider the draft proposal on the set of recommendations for follow-up initiatives on the general discussion on the economic exploitation of children, to be taken together with the other document before the Committee which recommended that a dossier should be put together as an extended record of the general discussion. If there were no further amendments, the Committee would adopt both sets of recommendations and the working group would then discuss with the ILO how the dossier would be distributed and to whom.

46. Mrs. SANTOS PAIS, in response to a query from Mrs. Sardenberg, outlined the three steps that had been taken on the matter. First, the Committee had issued a public statement which had been adopted, as amended, by the Committee at the end of the previous session. Secondly, the working party had drawn up a more substantial document, consisting of draft recommendations on the general discussion. Thirdly, the Committee had decided, in conjunction with the ILO and other agencies, to put together a dossier, containing documents relating to the general discussion and other basic documents, including various reports and forthcoming seminars on child labour. The dossier, which had been prepared in cooperation with UNICEF, the ILO and the Centre for Human Rights, among others, was almost complete and she urged members to examine it and make further suggestions if they so wished. She added that the draft

proposal on the set of recommendations for follow-up initiatives filled the gap in the documentation prepared and could either be adopted as it stood or amended.

47. Mrs. SARDENBERG suggested that on specific topics the Committee should draft resolutions that could be channelled through the Commission on Human Rights and thus reach Governments directly. If it adopted such a procedure, Governments would be committed to a specific course of action on matters that the Committee deemed crucial. She asked whether either of the draft documents before the Committee contained such a recommendation.

48. The CHAIRPERSON pointed out that if such a procedure was adopted there would have to be a reformulation of the issues concerned.

49. Mrs. SANTOS PAIS said that the Committee, as a treaty-monitoring body, addressed itself in its discussions mainly to States parties to the Convention and other United Nations and competent bodies concerned with the implementation of the Convention. However, it was important to try and encourage States that so far had not ratified the Convention to consider the rights of the child. For that reason, the Committee had been keen that its reports should go for discussion before the Commission on Human Rights. Even without formal resolutions from the Committee, the Commission on Human Rights took up issues of importance to the Committee and included them in its resolutions. For example, in 1993, the Commission on Human Rights had, in four resolutions, referred to the Committee's discussion on armed conflicts. Both formal and informal approaches to the Commission on Human Rights should be considered by the Committee, remembering that the presentation and format of each approach would be different.

50. The CHAIRPERSON said that before any formal draft resolution could be considered for transmission to the Commission on Human Rights, the Committee had first to adopt the recommendations before it. She said that, if there was no objection, she would take it that the Committee wished to adopt the set of recommendations for follow-up initiatives compiled by the working group on the general discussion on economic exploitation of children, and the recommendation that members of the working group should discuss with the ILO how papers and documents on the economic exploitation of children would be compiled and distributed, and to whom.

51. It was so decided.

52. Mrs. EUFEMIO, introducing the working paper on the role of the family in the promotion of the rights of the child, said that the working group on the general discussion on family environment had revised the original text and had decided to delete any reference to the thirty-third session of the Commission for Social Development but had retained, in paragraph 3, reference to other United Nations organs, specialized agencies and other competent bodies concerned with the topic and the invitation to them to provide expert advice. The principle of the "best interests" of the child, non-discrimination on grounds of gender, birth or other status, the inherent right to life, survival and development, and the child's right to express his or her views provided the foundations for the two discussion topics in the working paper: the evolution and importance of the family; and civil rights within the family.

53. Mrs. BELEMBAOGO suggested that the working paper should be distributed to all members of the Committee, who could then submit any changes or amendments in writing, to the Working Group.

54. Mr. HAMMARBERG said that the working paper should also be sent to NGOs so that they could submit their comments.

55. Mrs. SANTOS PAIS suggested that, in addition, the working paper should be sent to United Nations specialized agencies and committees such as the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women. During the consideration of the working paper, particular attention should be paid to the question of the situation of the rights of the girl child in the family.

56. The CHAIRPERSON said that if there was no objection, she would take it that the Committee wished the working paper on the role of the family in the promotion of the rights of the child to be distributed to members of the Committee, NGOs, United Nations specialized agencies and committees.

57. It was so decided.

The public meeting rose at 12.45 p.m.